

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	No.: 3:08-CR-169
	)	(VARLAN/INMAN)
RICHARD EUGENE DAVIDSON,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

Petitioner was convicted of various drug-trafficking and firearm crimes. He previously filed a § 2255 motion attacking the same conviction, which was denied as time-barred. *Davidson v. United States*, Criminal Action No. 3:08-cr-169. (E.D. Tenn. June 12, 2013) (Judgment Order). Petitioner then filed a second § 2255 motion, which was transferred to the United States Court of Appeals for the Sixth Circuit for consideration of whether petitioner could file a second or successive § 2255 motion. Petitioner has now filed a motion, pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, to vacate his judgment of conviction. Petitioner is not entitled to relief under Rule 60(b) because "the Federal Rules of Civil Procedure do not apply to criminal proceedings." *United States v. Campbell*, 96 F. App'x 966, 968 (6th Cir. 2004). Accordingly, the pending motion [Doc. 272] is **DENIED**.

**ENTER :**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE